

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.1489 OF 2007

1. Mr.Gautam Vishnu Ahire
2. Mr.Vishnu Lahu Lute
3. Mr.Dayanand Vishnu Gavit
4. Mr.Ramu Chaitu Sahare
5. Mr.Kamalu Kathod Waare ..Applicants

Vs.

State of Maharashtra ..Respondents

None for applicants. ...
Mr.S.S.Pednekar A.P.P. for the State
...

CORAM: SMT.V.K.TAHILRAMANI, J.
DATE : MAY 03, 2007

P.C.

1. Heard.

2. The applicants are seeking anticipatory bail in C.R.No.I-63 of 2006 of Shahapur Police Station. The said case is mainly under Sections 307 and 324 of IPC.

3. It is the prosecution case that on account of

labour dispute the present applicants along with about 65 other accused persons assaulted employees of the company. In the said incident, about 42 persons received injuries.

4. I have perused the said medical certificates. Except certificates of Ashok Kumar Choube, Ispat Lalu Ansari, Raju Male and Indrajeet Pal, the injury certificates of the remaining persons mentions simple injuries. As far as these above mentions four persons are concerned, Ashok Kumar Choube is stated to have sustained two injuries and out of the said two injuries, one injury is stated to be grievous injury. The said injury is contusion over right hand which has led to pain, bleeding and swelling. As far as Raju Male is concerned, he is stated to have sustained three injuries. Two of them are simple and one is grievous. The grievous injury is stated to be contusion on the left wrist joint which has led to pain and swelling, however, there was no bleeding. As far as Ispat Ansari is concerned, he is stated to have sustained two injuries, one of them is grievous. The grievous injury is stated to be contusion over left forearm which has led to pain,

bleeding and swelling. As far as Indrajeet Pal is concerned, he is stated to have sustained just one injury which is stated to be grievous i.e. contused abrasion over right knee joint which has led to pain, bleeding and swelling. No x-ray plates are on record, nor is there any other material on record to show that the said injuries had led to any internal fractures. In this view of the matter, I find much merit in the submission that the case would not fall under Section 307 of IPC but at the most, it would fall under Section 324 of IPC. Looking to the facts and circumstances of this case, in my view, the custody of the applicants would not be necessary.

5. In the event of arrest, each of the applicant nos.2 to 5 to be released on bail in the sum of Rs.15,000/- (Rs. fifteen thousand only) with one or two sureties to make up the said amount in C.R.No.I-63 of 2006 of Shahapur Police Station. They shall report twice in a week to the concerned police station till filing of the charge sheet and thereafter once in a week till conclusion of the trial.

6. In the event of arrest, applicant no.1 to be released on bail in the sum of Rs.35,000/- (Rs. thirty five thousand only) with one or two sureties to make up the said amount in C.R.No.I-63 of 2006 of Shahapur Police Station. He shall report twice in a week to the concerned police station till filing of the charge sheet and thereafter once in a week till conclusion of the trial.

7. Application is disposed of.

[Smt. V.K.Tahilramani, J.]